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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AMERICAN SMALL BUSINESS
 LEAGUE,

Plaintiff,

v.

UNITED STATES SMALL BUSINESS
 ADMINISTRATION

Defendant.

No. C 09-1098 EMC

JOINT MOTION TO BE EXCUSED
 FROM THE FORMAL ADR PROCESS
 and PROPOSED ORDER

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this action is limited to Plaintiff's request that this Court review Defendant's denial of his Freedom of Information Act request. Defendant avers that it does not have any responsive records. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that they be

JOINT MOTION TO BE EXCUSED FROM THE FORMAL ADR PROCESS and PROPOSED ORDER
 C 09-1095 EMC

1 excused from participating in the ADR phone conference and any further formal ADR process.

2 Dated: 5/27/09

Respectfully submitted,

3 JOSEPH P. RUSSONIELLO
4 United States Attorney

5
6 /s/
MELANIE L. PROCTOR
7 Assistant United States Attorney
Attorneys for Defendants

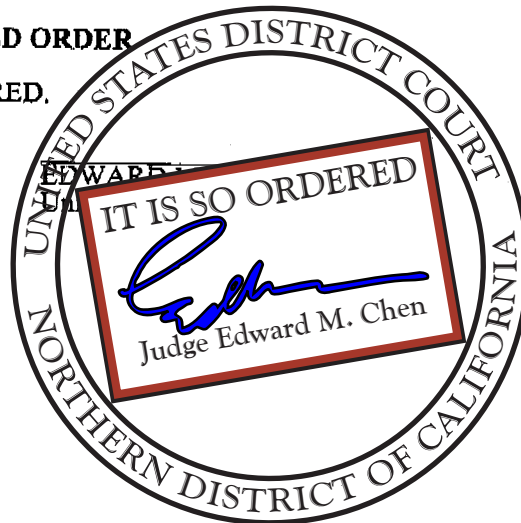
8 Dated: 052709

9 
10 ROBERT E. BELSHAW
Attorney for Plaintiff

11 **PROPOSED ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

13 Dated: May 29, 2009



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28 I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this filed document.

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